

House Amendment 1686

PAG LIN

1 1 Amend the Senate Amendment, H=1678, to House File
1 2 808, as passed by the House, as follows:
1 3 #1. Page 11, by inserting after line 3, the
1 4 following:
1 5 <AGRICULTURAL LEGISLATION
1 6 Sec. _____. Section 331.304A, Code 2005, is amended
1 7 to read as follows:
1 8 331.304A LIMITATIONS ON COUNTY LEGISLATION ==
1 9 CONFINEMENT FEEDING OPERATION SITING ORDINANCES.
1 10 1. As used in this section:
1 11 a. "Aerobic structure", "animal", "animal feeding
1 12 operation", "animal feeding operation structure", ~~and~~
1 13 "confinement feeding operation", "confinement feeding
1 14 operation structure", "manure", and "small animal
1 15 feeding operation" mean the same as defined in section
1 16 459.102.
1 17 b. "County legislation" means any ordinance,
1 18 motion, resolution, or amendment adopted by a county
1 19 pursuant to section 331.302.
1 20 2. ~~a. Except as provided in paragraph "b", a~~
1 21 county shall not adopt or enforce county legislation
1 22 regulating a condition or activity occurring on land
1 23 used for the production, care, feeding, or housing of
1 24 animals unless the regulation of the production, care,
1 25 feeding, or housing of animals is expressly authorized
1 26 by state law. County legislation adopted in violation
1 27 of this section is void and unenforceable and any
1 28 enforcement activity conducted in violation of this
1 29 section is void. A condition or activity occurring on
1 30 land used for the production, care, feeding, or
1 31 housing of animals includes but is not limited to the
1 32 construction, operation, or management of an animal
1 33 feeding operation, an animal feeding operation
1 34 structure, or aerobic structure, and to the storage,
1 35 handling, or application of manure or egg washwater.
1 36 b. (1) A county may adopt a confinement feeding
1 37 operations siting ordinance pursuant to section
1 38 331.302. The purpose of the ordinance shall be to
1 39 designate areas for the construction of confinement
1 40 feeding operation structures regardless of whether the
1 41 county has adopted an ordinance under chapter 335 or
1 42 has filed a county construction evaluation resolution
1 43 with the department of natural resources pursuant to
1 44 section 459.304.
1 45 (2) The county shall adopt or amend a confinement
1 46 feeding operations siting ordinance only after
1 47 considering the recommendation of a confinement
1 48 feeding operations siting commission which shall be
1 49 established by a county adopting or amending an
1 50 ordinance. The board shall appoint five persons as
2 1 members of the commission. Four members shall not
2 2 reside in a city and one member shall reside in a
2 3 city. At least three of the members shall be persons
2 4 who are or were actively engaged in animal
2 5 agriculture.
2 6 (3) The ordinance shall apply to the siting of
2 7 confinement feeding operation structures that are part
2 8 of confinement feeding operations in which swine are
2 9 kept. However, the ordinance shall not apply to a
2 10 small animal feeding operation. The designation of
2 11 sites for construction shall be based on criteria
2 12 required in order to preserve and protect natural
2 13 resources, including water sources and fragile
2 14 environmental locations; lessen congestion and
2 15 overcrowding of confinement feeding operations,
2 16 especially near cities; and protect the health and
2 17 welfare of the public.
2 18 Sec. _____. Section 335.2, Code 2005, is amended to
2 19 read as follows:
2 20 335.2 ~~FARMS~~ AGRICULTURAL PURPOSES EXEMPT.
2 21 ~~Except to the extent required to implement as~~
2 22 provided in this section 335.27, no, an ordinance
2 23 adopted under this chapter applies shall not apply to
2 24 an agricultural operation including but not limited to

2 25 land, farm houses, farm barns, farm outbuildings or
2 26 ~~other buildings~~ or structures which are primarily
2 27 adapted, by reason of nature and area, ~~for use~~ for an
2 28 agricultural ~~purposes~~ purpose, while so used.
2 29 However, ~~the ordinances~~ an ordinance adopted under
2 30 this chapter may apply to any of the following:
2 31 1. The implementation of an agricultural land
2 32 preservation ordinance as provided in section 335.27.
2 33 2. The implementation of a confinement feeding
2 34 operations siting ordinance as provided in section
2 35 331.304A.
2 36 3. A structure, building, dam, obstruction,
2 37 deposit or excavation in or on the flood plains of any
2 38 a river or stream.
2 39 Sec. _____. Section 459.303, subsection 1,
2 40 unnumbered paragraph 1, Code 2005, is amended to read
2 41 as follows:
2 42 The department shall approve or disapprove
2 43 applications for permits for the construction,
2 44 including the expansion, of confinement feeding
2 45 operation structures, as provided by rules adopted
2 46 pursuant to this chapter. The department's decision
2 47 to approve or disapprove a permit for the construction
2 48 of a confinement feeding operation structure shall be
2 49 based on whether the application is submitted
2 50 according to procedures required by the department and
3 1 the application meets standards established by the
3 2 department. The department shall not approve an
3 3 application for the construction of a confinement
3 4 feeding operation structure if the construction would
3 5 be in violation of a confinement feeding operations
3 6 siting ordinance adopted pursuant to section 331.304A
3 7 that is filed with the department pursuant to section
3 8 459.304. A person shall not begin construction of a
3 9 confinement feeding operation structure requiring a
3 10 permit under this section, unless the department first
3 11 approves the person's application and issues to the
3 12 person a construction permit. The department shall
3 13 provide conditions for requiring when a person must
3 14 obtain a construction permit.
3 15 Sec. _____. Section 459.304, subsection 2, paragraph
3 16 b, Code 2005, is amended by adding the following new
3 17 subparagraph:
3 18 NEW SUBPARAGRAPH. (5) Whether the construction of
3 19 a proposed confinement feeding operation structure
3 20 violates a confinement feeding operations siting
3 21 ordinance adopted by the county board of supervisors
3 22 pursuant to section 331.304A.
3 23 Sec. _____. Section 459.304, Code 2005, is amended
3 24 by adding the following new subsection:
3 25 NEW SUBSECTION. 2A. A county board of supervisors
3 26 that has adopted a confinement feeding operations
3 27 siting ordinance pursuant to section 331.304A shall
3 28 file the most current version of the ordinance with
3 29 the department according to procedures required by the
3 30 department.>
3 31
3 32
3 33
3 34 FREVERT of Palo Alto
3 35 HF 808.211 81
3 36 da/sh/2559